

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DINO ANTOLINI, :  
:  
Plaintiff, : 19-CV-9674 (JMF)  
-v- :  
:  
HAROLD THURMAN, et al., :  
:  
Defendants. :  
:  
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JESSE M. FURMAN, United States District Judge:

On December 29, 2020, Defense counsel filed a statement noting the death of Defendant Harold Thurman. ECF No. 112. The following day, the Court issued an Order reminding the parties that in accordance with Rule 25(a) of the Federal Rules of Civil Procedure, a motion for substitution of the proper party must be filed within ninety days of service of the Statement of Death “by a party or by the decedent’s successor or representative.” ECF No. 113 (quoting Fed. R. Civ. P. 25(a)(1)). In the absence of such a motion, “the action by or against the decedent must be dismissed.” Fed. R. Civ. P. 25(a)(1).

To date, no such motion has been filed. Accordingly, and pursuant to Rule 25(a)(1), any claims brought against Harold Thurman are hereby DISMISSED, as are any counterclaims brought by Harold Thurman. The Clerk of Court is directed to terminate Harold Thurman as a party to this action.

SO ORDERED.

Dated: March 30, 2021  
New York, New York



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JESSE M. FURMAN  
United States District Judge